

USSN 09/160,657
GAU 2822
Examiner M. Guerrero

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300A
C2
-- 60. (New) The semiconductor device of claim 40, wherein said gate oxide layer comprises an oxide of silicon.

61. (New) The semiconductor device of claim 40, wherein said gate oxide layer comprises silicon dioxide or silicon oxy nitride. --

add
D3
REMARKS

Entry of the above amendments and reconsideration of this application as amended are respectfully requested. Upon entry of the amendments, this application will contain claims 40-48 and 60-61. Claim 40 has been amended, and claims 60-61 are new claims dependent upon claim 40 (specifically supported at page 10, lines 24-27 of the application).

The amendments to claim 40 are formal in nature. First, the Examiner suggested at the personal interview of March 9, 1999, that it would be preferable to have a more formalized preamble in claim 40. Because it is believed such a preamble will not affect the scope or understanding of the claims, claim 40 has been amended accordingly.

Second, claim 40 has been amended to insert an upper number for the temperature, as suggested by the Examiner in the personal interview. The Examiner's basis for this suggestion was under 35 U.S.C. § 112, in that it was not definite how high the temperature could go. While it is believed that an inherent upper limit would be recognized (i.e. the skilled artisan would not use a

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temperature that would melt or decompose the device components), an upper temperature of 1000°C has been inserted to moot this issue and meet the Examiner's suggestion.

Claims 49-59 have been cancelled, without prejudice, in order to expedite the allowance of this application. In a telephonic interview dated April 28, 1999 between the undersigned and the Examiner, the Examiner indicated that claims 40-48 were in allowable condition, subject to the formal changes discussed above. It was also indicated that the Examiner believed that the current record did not establish the patentability of claims 49-59 over U.S. Patent No. 4620211, U.S. Patent No. 5264724 or H. Park et al., *J. Electrochem. Soc.*, Vol. 139, No. 7, pp. 2042-2046 (July 1992), under the provisions of 35 U.S.C. § 103. While the applicants do not agree, and for the purpose of expediting the allowance of this application, claims 49-59 have been cancelled, and will be pursued in a continuation application that applicant intends to file.

Also, submitted herewith is a Terminal Disclaimer to obviate any obviousness-type double patenting issue in respect of U.S. Patent No. 5,872,387. In addition, formal amendments have been made to the specification to address trademark usage and to correct the serial number for the grandparent application, as discussed in the personal interview.

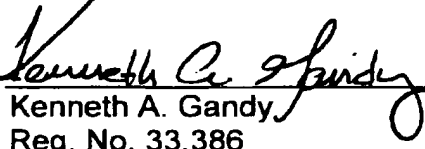
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In view of the foregoing amendments and remarks, it is believed that this application is in condition for allowance containing claims 40-48 and 60-61. Action to that end is solicited.

The Examiner is invited to telephone the undersigned attorney if there are any remaining issues that may be addressed in that fashion to expedite the allowance of this application.

Respectfully submitted,

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TO: Examiner M. Guerrero **PLEASE DELIVER IMMEDIATELY**

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SPECIAL REMARKS:

In re patent application of: Joseph W. Lyding et al.; Serial No. 09/1601657

Filed: September 25, 1998; SEMICONDUCTOR DEVICES, AND METHODS FOR SAME

Group Art Unit No. 2822

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